

Trianovich, Amanda

Subject: FW: Zoning Board of Appeals: 233 Hillspoint Road-ZBA Application #7773 by 233 LLC & ZBA Application #ZBA-20-00305 by 233 LLC

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From: Rhona Lieberman <rsrdl@optonline.net>

Sent: Friday, June 19, 2020 3:49 PM

To: ZBAComments <ZBAComments@westportct.gov>

Cc: # TOW-RTM Mailing List <RTMMailingList@westportct.gov>; Zoning Board of Appeals <ZBA@westportct.gov>; Planning and Zoning <PANDZ@westportct.gov>; kathy young <kathy.young@a4media.com>; Young, Mary <maryyoung@westportct.gov>; Tyminski, Cindy <ctyminski@westportct.gov>; Michael Calise <settlers.traders@gmail.com>; Rhona Lieberman <rsrdl@optonline.net>; Robin Tauck <rtauck@robintauck.com>; E. van Dorsten <evandors@optonline.net>; Ian Warburg <iwarburg@me.com>; Peter Gelderman <pgelderman@bmdlaw.com>; Ira Bloom <ibloom@berchemmoses.com>; Francis, Eileen <efrancis@westportct.gov>
Subject: Zoning Board of Appeals: 233 Hillspoint Road-ZBA Application #7773 by 233 LLC & ZBA Application #ZBA-20-00305 by 233 LLC

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Cindy,

Thank you for all of your comments re: the variance request for relief from setback and coverage regulations for the referenced residential structure partially constructed at 233 Hillspoint Road.

First I am challenged by the fact the Westport Town Hall is closed making it most impossible to have the freedom of all information as it relates to this property to really have access the all the history regarding this major item. The reason for mentioning Major, is due to the many comments I receive daily regarding this project.

I am the only adjacent residential property owner at # 229 Hillspoint Road. As such, at the time Positano Restaurant was the adjacent structure, there was plenty of Open Space, for much of the Westport Town Folks to enjoy the views of our beautiful beach as well as Long Island Sound. You may think due to the fact it was a Restaurant, I would appreciate the change of zoning from Commercial to Residential. Not True!!! I have been in Westport since 1971,, Cafe De La Plage has many good memories as well as Positano, because it did allow for open views.

Now, while the initial Variance for this new structure at 233, blocked such, it did not show nor promise a Total obstruction to so many areas. Now, this builder took it upon itself to go way beyond what was approved and I hear about it almost every day from folks that walk by, especially now with the Covid-19. Folks are out, walking, biking, beaching, etc. and have much to say....ie; what is that building????

Thanks to Cindy, she has prepared a write-up indicating the difference between the previously granted Variance and what has actually been done in the field. Now after the fact we are here, after the Cease & Desist which fortunately did occur and now the developer comes again for another Variance for work which has occurred without any approvals. obThere is a very strong Complaint as to what this has done to my property and to which I certainly ask this Zoning Board to deny. The prior Variance granted a right to have a Spiral staircase down to the beach level on the back of the structure, and now the claim is the developer/builder decided on their own to change that and rather put a doorway on the East side of the house, with a platform, which it is not clear will either be for mechanicals or a platform out of that door which may provide a means to get down to the beach. I strongly argue against granting this change. The door looks directly into my bedroom. The platform is built in the previously agreed to set back and I cannot understand yet

where the mechanicals will be placed. According to a chart I have seen, the mechanicals were to be under the structure and not in the setback causing a nuisance with the noise etc., being outside of the structure so close to my home..... Amongst some of the writings referencing this issue, there was a suggestion of Junipers to be planted to perhaps provide a shield. I strongly object. Junipers will not mute sound emitting from mechanicals. For so many reasons, the requested Variance which has been requested, AFTER THE FACT should be turned down. It is just a total disregard for what was given to this builder/developer/owner by this Board. On a review of Cindy's write up as well as the chart indicating differences between the Variance which was approved and all the violations, it seems quite clear, this group of developers//owners were not going to comply with what was so generously allowed and now come to the ZBA for more and after being stopped.

Sincerely,
Rhona Liebersen